

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

JOSEPH C. RAY

Plaintiff,

v.

**TEXAS HOME HEALTH OF
AMERICA, LP**

Defendant.

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CIVIL ACTION NO. 9:12CV00022

AGREED MOTION TO FILE UNDER SEAL

Plaintiff Joseph C. Ray ("Ray" or "Plaintiff") and Defendant Texas Home Health of America, LP ("Texas Home Health" or "Defendant") file this Agreed Motion to File Under Seal.

Plaintiff has filed a lawsuit under the Fair Labor Standards Act of 1938 ("FLSA"), 29 U.S.C. §§ 201, *et seq.* Defendant denies Plaintiff's allegations. However, without any admission of liability by any party, Plaintiff and Defendant have entered into a Confidential Settlement and Release Agreement ("Agreement"). A true and correct copy of this Agreement is attached hereto under seal as Exhibit "A." Plaintiff and Defendant have attached this Agreement under seal so that it can be reviewed *confidentially* by the Court in its consideration of the Agreed Motion For Court Approval of Settlement Agreement and Entry of Stipulated Judgment. The parties wish to maintain the confidentiality of the settlement agreement.

WHEREFORE, Plaintiff and Defendant respectfully request that this Court: (i) enter an order granting the Agreed Motion to File Under Seal; (ii) order that such Agreement remain under seal after the conclusion of this litigation; and, (iii) grant such other further relief that the Court deems just or necessary.

DATED: May 31, 2012

Respectfully submitted,

Bracewell & Giuliani LLP

/s/ Robert S. Nichols

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ATTORNEY FOR PLAINTIFF
JOSEPH C. RAY

CERTIFICATE OF SERVICE

I hereby certify that, on May 31, 2012, I have served a true and correct copy of the Agreed Motion to File Under Seal via the Court's electronic filing system on the following counsel of record:

Charles R. Dendy
Attorney at Law
109 N. Second Street
Lufkin, Texas 75901

An Agreed Motion to File under Seal has been filed. I hereby certify that, on May 31, 2012, I have served a true and correct copy of the sealed document attached to the Agreed Motion to File Under Seal via certified mail, return receipt requested on the following counsel of record:

Charles R. Dendy
Attorney at Law
109 N. Second Street
Lufkin, Texas 75901

/s/ Robert S. Nichols
Robert S. Nichols